

REMARKS

This responds to the Office Action mailed on March 4, 2005, and the references cited therewith.

Claims 1, 3, 26, and 33; as a result, claims 1-38 are now pending in this application.

Claim Objections

Claim 3 was objected to for informalities and appropriate correction was required to avoid a §112 rejection. The Examiner requested that the term “caching” be removed from claim 3, this was done. Accordingly, this objection is no longer appropriate and should be withdrawn.

§102 Rejection of the Claims

Claims 1-3, 5, 8-9, 11-13, 18-19, 24-31, 33 and 35-38 were rejected under 35 U.S.C. § 102(e) for anticipation by Downs et al. (U.S. 6,574,609). It is of course fundamental that in order to sustain an anticipation rejection that each and every element or step in the rejected claims must be taught or suggested in the cited reference. Here, the Downs reference fails to teach or suggest an intermediate device that accelerates and acts as a distribution manager of digital content in the manners that are now more clearly and positively recited in Applicants' amended independent claims 1, 3, 26, and 33.

More specifically, the Examiner has indicated that the “Content Hosting Site” of Downs, depicted as reference 111 in FIG. 6, is akin to Applicants' deployment enhancements. Downs is directed to an elaborate technique for managing metadata (licensing information) associated with content over the Internet. In Downs, the concern is not with more efficiently and rapidly delivering content, and since this is not a concern in Downs, Downs fails to teach a caching technique or a technique that would facilitate a faster and more efficient delivery of content.

Thus, in Downs, the content is delivered to a content provider directly from the Content Hosting Site 111. Keys are cleared via the Clearing House 105 and marking information is obtained for the content via the Content Store 103. But, the Downs' reference fails to teach or suggest a technique where the content is distributed to an intermediate device or a “deployment enhancement” before a content provider receives that content. Applicants' amended independent claims recite a limitation that the content is acquired by an intermediate device or “deployment

enhancement” device from its source (“digital content management system” or “movie management system”). It is the intermediate device that then delivers the content to the viewing system or to its destination.

Furthermore, the intermediate device pre-acquires the content from the source. Thus, the intermediate device takes processing load off the source and also is capable of more rapidly handling requests for the content to viewing systems or destinations. The intermediate devices or “deployment enhancements” accelerate delivery of content from its source to destinations. Such a teaching is not present in Downs and is not suggested. Again, Downs is concerned with managing licensing data and ensuring the integrity of use associated with digital content, but Downs fails to address a technique to accelerate delivery and distribution of that digital content.

Therefore, Downs fails to teach or suggest each and every limitation of Applicants amended independent claims and Applicants respectfully request that the rejections with respect to Downs be withdrawn and all pending claims be allowed.

§103 Rejection of the Claims

Claims 4 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Downs et al. in view of Candelore (U.S. 6,057,872). Claim 4 is dependent from amended independent claim 3 and claim 32 is dependent from amended independent claim 26; therefore for the amendments and remarks presented above with respect to claims 3 and 26, the rejections with respect to claims 4 and 32 should be withdrawn.

Claims 6 and 22-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Downs et al. Claims 6 and 22-23 are dependent from amended independent claim 3; thus, for the amendment and remarks presented above with respect to claim 3, the rejections of claims 6 and 22-23 should be withdrawn.

Claims 7 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Downs et al. in view of Peterson, Jr. (U.S. 5,857,020). Claims 7 and 10 are dependent from amended independent claim 3; accordingly, for the amendment and remarks presented above with respect to claim 3, the rejections of claims 7 and 10 should be withdrawn.

Claims 14-16 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Downs et al. in view of Hendricks et al. (U.S. 5,798,785). Claims 14-16 and 20 are dependent from amended independent claim 3; thus, for the amendment and remarks presented above with respect to claim 3, the rejections of claims 14-16 and 20 should be withdrawn.

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Downs et al. in view of Slotznick (U.S. 6,011,537). Claim 17 is dependent from amended independent claim 3; correspondingly, for the amendment and remarks presented above with respect to claim 3, the rejection of claim 17 should be withdrawn.

Claims 21 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Downs et al. in view of Casagrande et al. (U.S. 6,049,892). Claim 21 is dependent from amended independent claim 3 and claim 34 is dependent from amended independent claim 33; therefore, for the amendments and remarks presented above with respect to claims 3 and 33, the rejections of claims 21 and 34 should be withdrawn.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,


ROBERT DREW MAJOR ET AL.

By their Representatives,

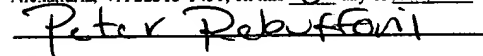
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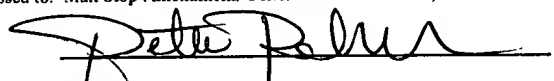
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6 day of June, 2005.


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